

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BRIAN PLATT,	:	CIVIL ACTION NO. 1:19-CV-1829
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
JAMES GRAHAM, R. CLEM MALOT, PENNSYLVANIA MUNICIPAL CODE ALLIANCE, INC., and NEW OXFORD BOROUGH,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 6th day of November, 2020, upon consideration of defendants' motion (Doc. 37) to dismiss plaintiff's amended complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), and for the reasons set forth in the accompanying memorandum of today's date, it is hereby ORDERED that:

1. Defendants' motion (Doc. 37) to dismiss is GRANTED in part and DENIED in part as follows:
 - a. The motion (Doc. 37) is GRANTED to the extent that Platt's First Amendment claim based on Graham's text messages to the Abbottstown Borough administrator is DISMISSED without prejudice.
 - b. The motion (Doc. 37) is otherwise DENIED.
2. Plaintiff is granted leave to file a third amended complaint within 21 days of the date of this order in accordance with the accompanying memorandum. In the absence of a timely filed amendment, this action shall proceed on the amended complaint subject to the dismissals set forth at paragraph 1.

3. Defendants' deadline to respond to the second amended complaint under Federal Rule of Civil Procedure 12(a)(4) is DEFERRED for the duration of the 21-day amendment period set forth in paragraph 2 above.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania